

Serial No.: 09/528,963

File No.: 31162X

09/464,899, (2) Application Serial No. 09/118,143, and (3) Application Serial No. 08/873,010.

In addition to this claim to priority, Applicant notes that WO98/10771 reference does not include any reference to information concerning the regulation TGF- $\beta$ , nor does it teach the subject matter in Applicant's claims. The subject matter of applicant's claims is the use of agents with the ability to upregulate TGF- $\beta$  expression in ovarian epithelial cells whereas the subject matter of WO 98/10771 is to increase apoptosis through the administration of a progestin product. The claims here present a method to test for upregulation of TGF- $\beta$  in the epithelial cells this subject matter is not obvious from the disclosure of an invention to increase apoptosis through administration of a progestin product.

The examiner also rejected claims 1, 2, 5, and 6 as being indefinite under §112 second paragraph. The Examiner noted that the "term 'regimen' in claim 6 fails to find basis in claims 1, 2, and 5." Applicant has cancelled claim 6 in response thereto.

The examiner also noted that if claim 2 were found allowable, then claims 3-5 would be rejected as being substantial duplicatives thereof. Applicant submits that claims 3-5 are not substantial duplicatives of claim 2 because they are of narrower scope. Specifically claim 3 requires *in vivo* testing whereas claim 2 is broader because it includes *in vivo* and *in vitro* testing. Claim 4 similarly is limited to *in vitro* testing whereas claim 2 is broader because it includes *in vivo* and *in vitro* testing. Claim 5 is limited to TGF- $\beta$ 2 or TGF- $\beta$ 3, whereas claim 2 does not state any such limitation.

Applicant respectfully submits the pending claims 1-5. Please charge any fees associated with this Response to Deposit Account No. 18-1942.

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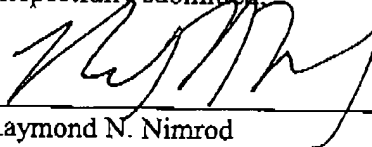
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Respectfully submitted



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